

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2015-094016

04/08/2016

HONORABLE JAMES D. SMITH

CLERK OF THE COURT

K. Roehl

Deputy

IN RE THE MARRIAGE OF  
BRIAN WILLIAM TANNER

HEATH H MCWHORTER

AND

HOLLY JEANNETTE TANNER

HOLLY JEANNETTE TANNER  
22353 E CREEKSIDE CT  
QUEEN CREEK AZ 85142

PAMELA DAVIS  
P O BOX 1163  
PEORIA AZ 85380

**EVIDENTIARY HEARING SET  
RULE 69 AGREEMENT**

Courtroom 404 SEF

9:08 a.m. This is the tie set for Trial regarding Respondent/Mother's *Enforce Court Order* filed March 10, 2016. Petitioner/Father, Brian William Tanner, is present and represented by above-named counsel, Heath McWhorter, Respondent/Mother, Holly Jeannette Tanner, is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

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Discussion is held regarding Mother's filing.

**LET THE RECORD REFLECT** that the Court treats Mother's filing as a contempt filing.

**IT IS ORDERED** that by close of business today Father shall provide to Mother all documents that show all of the bills he is responsible for are current.

**LET THE RECORD REFLECT** that if the parties are unable to come to an agreement regarding timely payments of the bills Father is responsible for paying, an evidentiary hearing will be held regarding spousal maintenance to cover the bills.

The parties advise the Court that they have reached temporary agreements on the issues, which agreement are more fully set forth on the record as follows:

- Effective May 1, 2016 Father will pay to Mother the sum of \$1,350.00 by the first of each month. This payment replaces Father's obligation to pay the rent for Mother's residence. Father's other obligations under the earlier temporary orders remain unchanged.

Brian Tanner and Holly Tanner are sworn and testify.

Petitioner and Respondent both testify that they have heard and understood the agreements stated in open court, and that these are, in fact, their agreements.

**THE COURT FINDS** that the agreements entered into between the parties are not unfair, are reasonable, and are in the best interests of the parties' minor children.

**IT IS ORDERED** approving the agreements of the parties as binding agreements pursuant to Rule 69, Arizona Rules of Family Law Procedure.

**IT IS FURTHER ORDERED** setting Evidentiary Hearing regarding the issue of Father continuing to pay the bills and whether or not the bills are current, on **May 12, 2016 at 1:30 p.m.** (time allotted: 1 hour) before the Honorable James D. Smith at:

Maricopa County Superior Court  
Southeast Judicial District  
Courtroom 404  
222 E. Javelina Avenue  
Mesa, AZ 85210

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Pursuant to Rule 77(B), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination, and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS FURTHER ORDERED** that the parties shall file and provide this division with a copy of a Joint Pre-Hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than **April 20, 2016**.

**IT IS FURTHER ORDERED** that the Joint Pre-Hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Information.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-Hearing Statement those exhibits they have agreed will be admissible at the hearing, as well as any specific objections that will be made to any exhibit, if offered at the hearing, that is not agreed to be admitted. Reserving all objections to the time of the hearing will not be permitted. At the time of the hearing, all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-Hearing Statement shall be summarily admitted.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of the hearing or to timely present the Joint Pre-Hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 71, Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(k), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**IT IS FURTHER ORDERED** any evidence intended to be submitted as exhibits at the time of the hearing must be brought to this division **no later than April 20, 2016, with a**

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**coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. Exhibits must be timely submitted to the division clerk. If a party does not submit an exhibit at least 5 judicial days before the hearing, the Court may exclude the exhibit or, alternatively, deduct the time required to mark the exhibit from the offering party's time at the hearing/trial. For ease of reference, each page of a multi-page exhibit should be consecutively numbered even if this means a party must number them. The parties or their counsel should meet/confer to coordinate the exhibits they submit. This will avoid duplicative exhibits, help eliminate unnecessary exhibits, and ensure consistent numbering. The Court appreciates bench copies of exhibits in a binder with tabs correlating to the actual exhibit numbers. Please label such bench copy binders on the spine with the case name, case number, and date of hearing/trial. **Bench copies should be provided at the time of the hearing.**

***NOTE: We do not hold spots for supplemental exhibits.***

**NOTE:** If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure.

**IT IS FURTHER ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits on or before **April 20, 2016**. Unless otherwise set by court order, however, the time for expert disclosures remains at least 60 days before trial. Ariz. R. Fam. L. P. 49(H).
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **April 20, 2016**.
3. Counsel and both parties shall confer on or before **April 20, 2016** to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

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4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or healthcare provider, or employer possessing any relevant information.

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision making authority, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the hearing. If you make a written request before the hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pre-Hearing Statement.

**NOTICE:** A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

**NOTE:** All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

**IT IS FURTHER ORDERED** if the parties come to an agreement regarding the issues, the parties shall notify the Court and the evidentiary hearing will be vacated.

9:30 a.m. Matter concludes.

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**IT IS FURTHER ORDERED** signing this minute entry on this 8th day of April, 2016.

/s/ HONORABLE JAMES D. SMITH

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HONORABLE JAMES D. SMITH  
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.